

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2759 of 2000

to

FIRST APPEAL No 2777 of 2000

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

THAKORE BALDEVJI DHANAJI

Appearance:

MR AD OZA, GP with MR ND GOHIL, AGP for appellants
MR AJ PATEL for respondents-original claimants

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.C.PATEL

Date of decision: 13/12/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. These are appeals filed by the State under section 54 of the Land Acquisition Act read with section 96 CPC, challenging the common judgement and awards passed by the Reference Court under section 18 of the said Act.

2. The lands in question were acquired for the Narmada Canal project and were situated in village Vansol, Taluka Kadi. The section 4 notification was issued on 28th May 1990.

3. The original claimants-land holders not having accepted the award of Land Acquisition officer, had preferred references under section 18 of the said Act which came to be decided by the Reference Court who determined the market value of the acquired lands at Rs.32.70 per square meter.

4. As a result of the hearing and discussion and perusal of the evidentiary material on record, our attention has been drawn to the fact that the lands from the same village had been acquired for the same project and where the section 4 notification was about two years later i.e. 3rd April 1992, whereby the Reference Court had determined the market value of the lands in question under section 18 of the said Act at the same figure viz. Rs.32.70 per square meter. That judgement and awards of the Reference Court were challenged by these very same appellants by way of First Appeal Nos.504/2000 to 515/2000 which were heard and decided on merits by an earlier Bench (Coram: J.M. Panchal and M.C. Patel JJ.) by its judgement and order dated 7th September 2000. That Bench in the said decision appreciated the judgement and awards on merits with reference to the evidentiary material on record, and while dismissing the said appeals with costs, confirmed the market value determined by the Reference Court at Rs.32.70 per square meter.

5. Thus, the market value determined by the Reference Court in the instant appeals is amply justified in view of the aforesaid decision.

6. No reason is pointed out to us as to why the aforesaid decision would not apply in the instant group of appeals. These appeals are, therefore, summarily

dismissed.

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